

LOS ANGELES BAR BULLETIN



In This Issue

A Word from the President . . .	<i>Alex W. Davis</i>	289
By the Board	<i>E. D. M.</i>	290
One Man's Opinion	<i>E. D. M.</i>	291
Lady Godiva's Horse—A Discussion of the County Court's Plan	<i>Hon. Wilbur C. Curtis</i>	293
The Harvard List of Books		302
Digest of the 1945 Report of the Committee on Traffic Courts	<i>Leroy A. Garrett</i>	317

FEDERAL PRACTICE

UNDER THE NEW RULES OF
CIVIL AND CRIMINAL PROCEDURE

is covered by

MONTGOMERY'S MANUAL ***of Federal Jurisdiction and Procedure*** ***With 1946 Supplement***

The 1946 Supplement to Montgomery's Manual now in preparation will bring the entire work down to date with statutes, cases, and the new **Federal Rules of Criminal Procedure, with Forms, and Index.**

Be prepared — own and use the ever popular —

Montgomery's Manual, with 1946 Pocket Supplement
(when issued), \$18.00, delivery prepaid.

Order today from

BANCROFT-WHITNEY CO.

Lawbook Publishers since 1856

200 McALLISTER STREET • SAN FRANCISCO 1, CALIFORNIA

E

0.

X

ON

V

AL

PA

PA

Re

Je

St

Be

FR

A

T

by

mi

a

Co

of

wh

Bas

of

fac

the

mit

stat

Co

side

the

and

LOS ANGELES BAR BULLETIN

Official Monthly Publication of Los Angeles Bar Association. Entered as second-class matter October 15, 1943, at the Postoffice at Los Angeles, California, under Act of March 3, 1879. Subscription Price \$1.00 a Year; 10c a Copy

VOL. 21

JUNE, 1946

No. 10

OFFICERS

ALEX W. DAVIS, President

PAUL NOURSE, Senior Vice-President

PAUL FUSSELL, Junior Vice-President

Secretary's Office: 1124 Rowan Bldg., Los Angeles 13, Telephone TUCKER 8118

WALTER L. NOSSAMAN, Secretary

EWELL D. MOORE, Treasurer

J. L. ELKINS, Executive Secretary

TRUSTEES

Robert N. Baker, Jr. Ray L. Chesebro

Joseph A. Ball

Stanley N. Barnes

Bernard Brennan

Alex W. Davis

Paul Fussell

W. I. Gilbert, Jr.

John W. Holmes

Aubrey N. Irwin

Charles E. Millikan

Ewell D. Moore

Walter L. Nossaman

Paul Nourse

A. R. E. Roome

Clarence B. Runkle

BULLETIN COMMITTEE

LEROY A. GARRETT

FRANCIS H. O'NEILL

FRANK S. BALTHIS, JR., Chairman and Editor

EWELL D. MOORE

BULLETIN BUSINESS OFFICE

241 East Fourth Street

TRINITY 5206

PERRY PRICE

KENNETH K. WRIGHT

EDWIN W. TAYLOR

BULLETIN EDITORIAL OFFICE

1124 Rowan Building

TUCKER 8118

A WORD FROM THE PRESIDENT

THE June meeting of the Association was devoted to a discussion of the plan for a County Court System proposed by the Special Committee of the State Bar. The Special Committee was appointed at the suggestion of Governor Warren as a result of a report of the Judicial Council on the Inferior Courts of the State. It has made a serious and exhaustive study of the Municipal and Inferior Courts and has rendered a report which was printed in the September-October issue of the *State Bar Journal*. The report criticizes particularly the hodge-podge of Class B Justice Courts, City Courts and Police Courts. The facts stated in this criticism must be known in order to weigh the arguments for and against the Committee's plan. The Committee also criticizes the jurisdiction and venue provisions of the statutes under which Municipal Courts and Class A Justice Courts have jurisdiction of and try causes of action arising outside the city or township limits when the subject matter is beyond the jurisdiction of the courts below them.

The State Bar Committee has invited criticisms of its plan and since the plan is one of the major issues before the lawyers

of the State, our Association is attempting to provide a forum for local discussion of the subject. Elsewhere in this issue there is an article defending the jurisdiction and venue provisions of the Municipal Court Act and criticizing the venue or place of trial provisions of the Committee's plan. Articles stating the position of those who oppose the abandonment of the City Court and Police Court system and of those otherwise criticizing the plan probably will appear in later issues of the BULLETIN.

It seems obvious that if the existing system is to be changed at all, the change should provide for a complete and orderly court plan. It has been suggested that the real issue lies in the difference between countywide circuit courts and courts elected from and whose venue is limited to fixed territorial limits such as cities or judicial townships. The fundamental point of the suggestion seems to be that a systematic county court system could be provided for with less disturbance of local prides and local needs if the ideas of countywide elections and circuit sittings were abandoned or at least drastically changed for counties having more than one judge. This is a lawyer sponsored reform and the lawyers should understand it.

Alex W. Davis

BY THE BOARD

Paul Fussell was elected by the Board to represent the Association in the House of Delegates of the American Bar Association. He succeeds Alex W. Davis.

* * *

Walter Nossaman was elected Secretary of the Association for the year 1946-1947.

* * *

The President was authorized by the Board to appoint a special committee to cooperate with the Jury Commissioner on problems involved in the selection of jurors.

* * *

The Board voted to discontinue sections of the Association.

The President was authorized to appoint the following special committees: Committee on Small Claims Courts; Committee on Psychopathic Courts; Committee on Divorce Department of the Superior Court; Committee on Police Courts.

* * *

New members and reinstatements of former members to the number of 28 were accepted as follows:

VERNON D. BEEHLER	JACK MARSH LAUGHLIN
HOWARD M. BINFORD	F. EDWARD LITTLE
GERALD BROWN	NEIL G. LOCKE
HENRY C. DIEHL	WALTER Q. LOEHR
FRANK W. DOHERTY	IVO H. LOPIZICH
WILLIAM J. DONAHUE	ROBERT J. MAGDLEN
SIDNEY DORFMAN	MAURY MAVERICK
HENRY S. DOTTENHEIM	DONALD P. MAYHEW
ROBERT M. DULIN	NEIL G. MCCARROLL
CHARLES L. EWING	ROBERT E. MOORE, JR.
JACK OLIVER GOLDSMITH	JOSEPH N. OWEN
SAMUEL A. GREENBURG	SAMUEL REICHLER
FRANK T. HENNESSEY	JOHN HAMILTON SAUNDERS
GILBERT KLEIN	CLAUDE A. WATSON

—E. D. M.

ONE MAN'S OPINION

"Back Home in Indiana:" No, that is not a song title. It is the caption of a half-page ad in an Indiana newspaper, with pictures, put there by two returning vet-lawyers to tell the public that the firm of B. & K. is back on the job; that they have a record of collecting the largest personal injury judgments of any firm in the district, etc.

There is the challenge. It was bound to come. The war merely hastened it. Men who have lived and fought in fox holes and have come back to witness the gouging, clawing, griping, roistering mobs of civilians, most of whom already have forgotten the war, are not going to be badly frightened by the spectre of old man Ethics.

Across the nation there are many indications that advertising by lawyers, especially those who have returned

from the wars, is commanding more and more attention from the organized bar; just how far may one go, and what form may he use to announce and advertise the fact that he has resumed his practice and is looking for business? As a matter of fact there is considerable advertising—what might be called collective advertising—by bar associations for the benefit of their members, at various places. Other local groups as well as state bar organizations are interesting themselves in this highly controversial subject.

To what extent may one go in his criticism of the Indiana veterans, if, in fact, he criticises them at all? No doubt these returning veterans, as well as those in other communities, have witnessed or have knowledge of some very fancy direct and indirect advertising by lawyers who didn't have to go to war, or to fight anything worse than the scramble to get up to a bar during the past four years. Naturally, the veterans will argue that if the cream-skimmer-stay-at-homes can get away with it, who is to raise a warning finger to them if they see fit to buy space in a newspaper to tell the world that they are once more at its service?

Hence we say, in the language of the circus barker: "It's only the beginnin', folks; it's only the beginnin'."

* * *

Divorce Mill: Chicago Bar Association had a proposal to endeavor to curb the "divorce rate" thrown in its lap at a recent meeting. It took no action but it seems certain members think the bar should provide free advice and reconciliation service to warring couples. The proponents of the plan had it all worked out for a "reconciliation clinic," meeting place and two lawyers at the clinic to be held on two days a week. Well, one might see the humor in such clinics were the subject less serious. As residents of a community that holds the dubious distinction of having the largest number, per capita, of divorce filings in the world, we would like to see the Chicago plan succeed, of course, but it would be absurd optimism to expect it. —E. D. M.

LADY GODIVA'S HORSE

A Discussion of the County Courts Plan

By Wilbur C. Curtis

Judge of the Los Angeles Municipal Court

THIS article deals with the State Bar's plan for the revision of the California court system, which includes abolition of all municipal and inferior courts in the State, and the creation, in lieu thereof, of a single circuit court, to be known as the County Court. It has nothing to do with Lady Godiva's horse. The title is calculated to hold the reader's interest to this point, where he is told that an attempt is hereinafter made to picture the plan, like Lady Godiva, stripped of its good intentions and as it really is!

In 1942, Chief Justice Phil Gibson, as chairman of the Judicial Council, directed a survey of inferior courts by the Council staff, which consisted of a compilation of information voluntarily supplied by most of these courts in response to a questionnaire. These statistics are set forth in the Ninth Report of the Council, published in 1943, and show that justices of the peace and police judges in many rural communities are not lawyers, receive only nominal compensation, and utilize exceedingly informal court-rooms, sparingly supplied with law books.

The report also shows the revenue produced by these courts, which indicates that their judicial business is as nominal as the judges' compensation.

At the request of Governor Warren, the Board of Governors of the State Bar appointed a committee to study this report and make recommendations for improvement. Committee meetings were enlivened by many anecdotes dealing with the comical antics of country justices.

Neither the Bar Committee nor the Judicial Council found any ground for criticism of municipal courts, established under Article VI, Section 11, of the State Constitution, and the Municipal Court Act of 1925, which provided a model court system for chartered cities in excess of 40,000 population. Optional with the voters, such courts have been established in Los Angeles, San Francisco, Sacramento, San Diego, Long Beach, and Santa Monica.

Typical of the esteem in which these courts are held is a statement by Supreme Court Justice John W. Shenk at a meeting of the Commonwealth Club in April, 1945, where the County Courts Plan was discussed. Justice Shenk said:

"I have been familiar with the problem under discussion for a long time. We prepared the original draft of the constitutional amendment submitted to the Legislature in 1923 to provide for municipal courts. I think that plan has worked out beneficially. I know of no problem such as has been discussed here today arising in communities where there are municipal courts and which embrace about half the population of the State. . . .

"It is a serious matter to uproot a judicial system and supplant it with another. I think reforms have taken place and I think it is better to pursue the subject with a proper factual background for further improvement than to upturn entirely the present system without further study."

The Seventh Report of the Judicial Council, covering the biennium ending June 30, 1938, contains the following reference to municipal courts:

"The several municipal courts have continued to meet the demands of their respective constituencies without criticism or complaint from any source known to the Judicial Council."

It was but natural that the Bar Committee, in searching for a means of improving the county courts, should seize upon a system which has been successful in the large cities. The County Courts Plan is clearly an attempt to adapt the municipal court structure to fit the needs of counties, rather than cities, as the unit to be served.

Like the municipal court, it is a court of record, having jurisdiction of all misdemeanors, and civil cases involving not more than \$2000. Judges' qualifications are the same (five years' admission to the practice of law). The chief differences between the two courts are necessarily in court organization and functioning methods.

Municipal Courts Efficient

The present municipal courts are remarkably efficient. The Los Angeles Municipal Court, consisting of thirty judges, handled a total of 485,578 cases during the fiscal year 1944-45, representing more than 16,000 cases per judge.

The Judicial Council advises that complete information of case filings in Class B justice courts is not available. Using court revenue, which is normally in proportion to volume of business, as a basis for comparison, the Los Angeles Municipal Court handles 2600 per cent more business per judge than the average of all justice courts in the State. The 1941 Judicial Council Report showed a total revenue from 494 justice courts of \$1,336,474.91, or \$2,705 per judge. Compare this with the \$2,250,525.21 produced by the thirty Los Angeles Municipal Court Judges during the fiscal year 1944-45, which amounts to \$75,017.50 per judge!

Believe it or not, the average case filings per judge of the Los Angeles Municipal Court was 6100 per cent greater than the average of the 244 Class B justices who voluntarily reported their 1944-45 business to the Judicial Council.

The Los Angeles Court is able to handle this tremendous volume only because it has a large number of judges concentrated at one location, permitting specialization and equalization of work.

Two judges assigned to traffic courts handle as many as 800 traffic cases a day.

One small claims judge will dispose of 100 small claims in the same period.

Another judge does nothing but arraign, fix bail, accept pleas, set cases for trial, and impose sentences on pleas of guilty in general misdemeanor cases. This arraignment court often handles as many as 400 cases in a day.

All general misdemeanors are set for trial in a single misdemeanor master calendar division. Here the calendar is called at 9:30 each morning, and cases ready for trial are transferred to trial courts, which open at 10:00 a.m. Motions for continuances, changes of plea, and all proceedings prior to actual trial are handled in the master calendar court. As soon as a trial division finishes one case, another is transferred to it, until the day's calendar is disposed of.

This method allows the "oversetting" of the calendar by the approximate number of cases which experience has shown will ordinarily be continued or disposed of without trial. The result is that all judges are kept busy, and the work is equally distributed.

Separate master calendars for civil cases and felony preliminary hearings operate in the same way.

Demurrers in civil cases and all other proceedings involving questions of law arising before trial are heard in a separate law and motion division.

It is seldom that "ready" cases are not reached on the day set for trial, and there is little waiting around or "trailing" by attorneys and witnesses.

Master Jury Panel

Another advantage held by the large, centralized court is the ability to constantly maintain a large panel of qualified jurors, from which juries may be immediately supplied to trial divisions as needed.

In the Los Angeles Municipal Court the master jury panel system serves to equalize the work of jurors and keep them busy in much the same way as the master calendar plan serves

GROUP PLAN QUALIFIES

you may still apply for

Professional Group Accident and Sickness Policy

Exclusively for Los Angeles Bar Assoc. Members.

APPROVED BY BOARD OF TRUSTEES
POLICY IS NON-CANCELLABLE

BENEFITS

\$200 mo. for Accident or Sickness
\$2000 Accidental Death. \$10,000 Dismemberment
\$7 Day Hospital plus \$25 for Incidentals

SEMI-ANNUAL PREMIUMS

Through Age 49	Age 50 to 60	Age 60 to 65
\$32.60	\$37.85	\$48.35

Mail check and application to Los Angeles Bar Assoc.

GOGERTY & WILLIAMS

National Casualty Company of Detroit
609 So. Grand Ave., L. A. 14 Telephone TRinity 3861

the same purpose for judges, and has saved the taxpayers hundreds of thousands of dollars, which would have been required to select and maintain separate jury panels for each trial court.

County Court a Circuit Court

In contrast to this efficient, centralized court, the proposed county court is a decentralized, circuit court. It reduces the number of judges in the State from the present 817 to approximately 187 (see *State Bar Journal* for Sept.-Oct. 1945, p. 320), and at the same time provides (subject to legislative change) that sessions of court shall be held at all places where courts are now located.

That it is intended to be a circuit court is unequivocally stated in the report of the State Bar Committee, published in the *State Bar Journal* for July-August, 1945, at page 268, as follows:

"Sessions of the court would be held in all places where the courts have heretofore been held and might be found necessary in the future, so that litigants in these small cases would not have to travel any great distances. Places of court sessions could be changed from time to time and length of sessions would depend upon the amount of business to be transacted."

Plan Reactionary

The "circuit" type of trial court died nearly a century ago, and no better reason has been found to exhumate it from its moldy grave than the invention of the catchy phrase, "Let's bring the courts to the people."

The circuit court system is suitable for appellate courts, because an arbitrary time may be fixed for argument of appeals; but it is not practical for trial courts, where it is impossible to determine in advance the time required for disposition of pending cases.

Of the forty counties which the Committee lists as being entitled to but one judge under the County Courts Plan, there are eleven counties in which the circuit would include from ten to twenty-five courts. If the business at one stop takes longer than anticipated, the ambulatory judge will, of course, be late at the next; and the whole circuit may be thrown off schedule. If business is disposed of in less than the allotted time, either the

judge has an extra vacation or the calendars for the rest of the circuit must be advanced on short notice. Lawyers' calendars would be as confused as the courts.

Land Ho! Catalina!

Catalina Island, with a population of less than 2000 residents, has always had a justice court and would be entitled to occasional visits by a Los Angeles County circuit-riding judge, whose entourage would probably include a court reporter, deputy district attorney or other prosecutor, and such mainland attorneys as might be employed by the local litigants and penal offenders.

Because most permanent residents of Avalon are acquainted with each other, it might also be necessary, at times, for a whole panel of jurors to join the boat ride. This, no doubt, is what is meant by "bringing the court to the people."

If the calendar should be quickly disposed of by changes of plea, continuances, and dismissals, all might enjoy a swim before canceling hotel reservations and returning to the mainland.

On the other hand, should a number of the accumulated cases actually go to trial, those interested in substantial civil cases must wait or suffer interruptions for the disposition of criminal cases, motions, arraignments, small claims, et cetera.

This is always true in a one-man court, and explains why lawyers do not file \$2000 civil cases in the three branch courts now maintained by the Los Angeles Municipal Court, but prefer to try them at the Civic Center, where the master calendar system provides a trial court which devotes its entire time to each case until it is finished. Only in this way does a litigant receive a fair return for his reporter and jury fees. For obvious reasons, it is also more profitable for attorneys, to whom time is money.

Long experience has shown that the three Los Angeles branch courts at Van Nuys, West Los Angeles, and San Pedro are practical and economical only to the extent they serve the purpose of a Class B justice or police court in the handling of local misdemeanors and small claims filed by local merchants.

In a large metropolitan county like Los Angeles, it is seldom that the opportunity to try a \$2000 civil case in an outlying community affords greater convenience than a trial at the Civic

Center. The drivers of automobiles which happen to collide in Van Nuys may live in widely separated parts of the county, and the chances are that one or both will employ a lawyer whose offices are in downtown Los Angeles.

Under the County Courts Plan thousands of substantial civil cases which are now triable in the Los Angeles Municipal Court at the Civic Center would be scattered among more than fifty court locations throughout the county. It's a beautiful 100-mile drive through Mint Canyon to Lancaster!

Lawyers in the less populous counties would suffer more than those in metropolitan areas.

Forty-four counties have no municipal or Class A justice courts, and all cases over \$300 are tried in the superior court at the county seat, where attorneys customarily have their offices.

In these counties all cases between \$300 and \$2000 (representing approximately one-half of superior court civil business) would be transferred to the outlying county circuit courts, to be tried by a traveling judge of *lower rank* and *lower salary*.

As to these cases, does the plan insure any improvement in the administration of justice?

The point is that municipal courts, with their \$2000 civil jurisdiction, were designed and are suitable only for large cities, and the State Bar's plan to change the names of these courts and convert them into countywide circuit courts will destroy their efficiency and economy, to the disadvantage of the public and the legal profession.

No Certainty of Improvement

The County Courts Plan provides no guarantee of the solution of any of the alleged deficiencies in the rural courts, except to raise the qualifications of judges, which could be accomplished by much simpler legislation. Is anyone so naive as to believe that as the result of changing the name and jurisdiction of these courts, the local boards of supervisors will provide more law books or better courtrooms?

In Siskiyou County, twenty-five judges would be replaced by one, who, under the circuit court plan, would probably be required to hold court, when occasion required, in many of the same offices, back rooms, and parlors which now serve the justice courts of that county.

This problem is one which is capable of local solution only. If the people of Siskiyou County want better courtrooms and more law books, they will provide them. There is nothing in the County Courts Plan to compel them to do so.

As a matter of fact the people in these communities appear to be satisfied with their courts, and there has been no public demand for a change in our State court system.

The Commonwealth Club of California, after a survey of inferior courts in typical small counties, has this to say:

"One of the things we learned from this research was that the people in these communities are quite well satisfied with the present organization of their inferior courts and are not at all disturbed by the defects which your Section has found to exist."

"The progress report of the Section on Administration of Justice of the Commonwealth Club of California shows pretty conclusively that the people in general (attorneys excluded), in the rural sections especially, are practically unanimously for the retention of the justice of peace courts. Obviously they are fairly satisfied with the system under which they have been living for many years." (From pp. 184 and 195 of *The Commonwealth*, Vol. XXI, No. 15, for April 9, 1945.)

It is suggested that the inferior courts in rural districts are not in as bad condition as the joke books might lead us to believe. In places where salaries are low and courtrooms picturesque, the volume of business is small or negligible. The opportunity for mistakes is, of course, in proportion to business.

Litigants dissatisfied with the small judgments rendered by these courts may, on appeal, have their cases entirely retried by the superior court.

The number of civil cases tried in the inferior courts of these counties is surprisingly small. A special report, prepared by Addie L. Renshaw, assistant secretary of the Judicial Council, based upon 244 voluntary replies made to a questionnaire addressed to the State's 441 Class B justices of the peace, shows that the justices in twelve of the least populated counties averaged only 4.7 civil cases filed during the year. Court records show that less than 20 per cent of civil cases filed actually go to trial, indicating that these courts probably averaged one civil trial a year per judge.

Criminal filings were proportionately small, and consisted principally of motor vehicle violations, which were largely disposed of by bail forfeitures. The average was 112 cases per judge. It seems probable that the justices who failed to report had less business than those who did.

The twelve counties selected for the following table include those which appear to afford the greatest opportunity for criticism on the basis of inadequacy of justices' compensation and courtroom facilities.

1944-45 CASE FILINGS
CLASS B JUSTICE COURTS
 (Twelve Counties)

County and 1940 Population	No. of Justices	No. of Justices Reporting	Criminal Filings	Civil Filings (Under \$300)
Alpine (pop. 323)	1	1	5	None
Amador (pop. 8973)	5	1	40	6
Del Norte (pop. 13,229)	1	1	84	24
Inyo (pop. 7625)	5	1	20	None
Lake (pop. 8069)	5	1	33	17
Mariposa (pop. 5605)	6	6	52	14
Modoc (pop. 8713)	9	3	312	3
Mono (pop. 2299)	6	3	24	None
San Benito (pop. 11,392)	5	2	560	9
Sierra (pop. 3025)	4	1	87	3
Tehama (pop. 14,316)	2	1	118	19
Trinity (pop. 3970)	5	2	10	3
(Total)		23	—	—
<i>Average per Judge</i>			112	4.7

Conclusion

It is urged that if reorganization or improvement of inferior courts in rural districts is necessary, it be accomplished without disturbing the present municipal courts, established under Article VI, Section 11, of the State Constitution, which *"have continued to meet the demands of their respective constituencies without criticism or complaint from any source known to the Judicial Council."*

THE HARVARD LIST OF BOOKS FOR PROSPECTIVE LAW STUDENTS

Introductory Note by the Editors of the Bar Bulletin.

Recently the Harvard Law School published a list of books for law students and prospective law students who were in the service. The list was prepared by a committee of the Law School Faculty composed of Professors Zechariah Chafee, Jr., and J. M. Maguire.

Most lawyers have occasion to advise young men who have either commenced the study of law, or who are considering the desirability of entering the profession, regarding preparatory study and material for general reading. It is believed that a list of carefully selected books will be of great assistance to most lawyers in advising students with respect to the field of law. This list of books may also be of considerable general interest to lawyers who wish to round out some phase of their general reading. With this in mind, the editors of the BAR BULLETIN have obtained permission to reprint this list of books.

The members of the Harvard Law School Faculty Committee point out, in an introductory note to the list, that everything except the last six books (items 85 to 90) was chosen to serve two principal purposes:

- "1. To give the reader a better understanding of the life of people for whom and by whom our law has been made, first in England and then in our own country . . ."
- and
- "2. To show what judges and lawyers do. We have tried to bring out their basic ideals and the nature of their work—the routine activities of every day as well as occasional spectacular achievements. Books have been listed

which will help undecided readers to make up their minds whether they wish to be lawyers, and will render the study and practice of law much more interesting to those who choose our profession. . . ."

The committee also points out that the six books at the end were inserted "to produce an appetite for intellectual work and the solution of difficult problems," and also "to acquaint the reader with some world literature which should be familiar to all lawyers." The members of the committee also emphasize that the list is not necessarily "an ideal list for those who have already been to a law school." And it is not claimed that this is "a list of the world's best books or books for the intelligent voter." The committee further states that "certain wide areas of essential knowledge are left untouched, *e.g.*, the organization of the postwar world."

In spite of any limitations acknowledged by the authors, the Harvard list which follows would appear to be an excellent recommendation of books and general reading to give one a fundamental and basic preparation for the law. We are sure



COMPLETE TRUST SERVICE

for your convenience. Citizens offers personalized consideration of any type of trust administration your clients require.

CITIZENS
NATIONAL BANK
TRUST & SAVINGS OF LOS ANGELES

HEAD OFFICE . . . FIFTH & SPRING STREETS
MEMBER FEDERAL RESERVE SYSTEM
MEMBER FEDERAL DEPOSIT INSURANCE CORPORATION

that most lawyers will find such material useful in guiding the oncoming and enthusiastic generation of new students. The list of books includes appropriate and explanatory remarks by Professors Chafee and Maguire.—F. S. B.

A. A SHORT SELECTED LIST

NOTE: The object of this short list is to pick out a few books which, taken together, will supply the reader with a comprehensive picture of the historical background of our law and give him some idea of the way judges and lawyers work and what they are trying to accomplish. Each book has been chosen with the thought that it should be suitable for a man in service to own and carry around with him for a while. Consequently, we have kept bulky or expensive books off this A list. No book named occupies more than one volume; most are small, and pocket-books have been selected when available. The total cost of the collection is \$20.50.

1. FOUND, ROSCOE. THE SPIRIT OF THE COMMON LAW. Boston, Marshall Jones Co., 1921. 224 p. \$2.50.

An introduction to the main influences on our law by the former Dean of the School, written for lectures to the alumni of Dartmouth College during a brief period after Commencement.

2. TREVELYAN, GEORGE M. HISTORY OF ENGLAND. London, Longmans, Green & Co., 1933. 723 p., illustrated, maps. \$2.50.

Since our law is principally derived from England, familiarity with English history is very desirable.

3. NEVINS, ALLAN, AND COMMAGER, HENRY S. POCKET HISTORY OF THE UNITED STATES. N.Y., Pocket Books, inc., 1942. 502 p. 25 cents.

Although some of this book is elementary, it embodies the latest results of scholarship and is especially good on business developments. Worth many times its price and very easy to take on active service.

4. BEARD, CHARLES A. THE REPUBLIC: CONVERSATIONS ON FUNDAMENTALS. N.Y., Viking Press, 1943. 365 p. \$3.00.

The best picture of the governmental framework of American law.

5. ULMAN, JOSEPH N. A JUDGE TAKES THE STAND. N.Y., Alfred A. Knopf, 1936. 289 p. \$2.50.

A trial judge's first-hand account of what happened in his courtroom, with shrewd comments. Chapters II-VI, XI, XII, are the most important.

6. CARDOZO, BENJAMIN N. THE NATURE OF THE JUDICIAL PROCESS. New Haven, Yale University Press, 1925. 180 p. \$1.75.

In contrast to the preceding book, here an appellate judge analyzes his work. The author subsequently went from the highest court in New York to the United States Supreme Court.

7. CHAFEE, ZECHARIAH, JR. FREE SPEECH IN THE UNITED STATES. Cambridge, Harvard University Press, 1941. 634 p. \$4.00.

Many important legal questions discussed by a member of the Faculty for "thoughtful citizens, whether lawyers or laymen." Read the last chapter first.

8. DICKENS, CHARLES. THE POSTHUMOUS PAPERS OF THE PICKWICK CLUB. N.Y., Modern Library, inc., 1943. 855 p., with drawings by Donald McKay. \$1.50. (Many other editions are available.)

The most famous of all lawsuits in fiction is *Bardell versus Pickwick* for breach of promise of marriage. A vivid account of English proceedings at law before modern reforms. Don't be discouraged by the dull opening chapter, but skim fast until you reach the ball at Rochester.

9. COZZENS, JAMES G. THE JUST AND THE UNJUST. N.Y., Harcourt Brace & Co., 1942. 434 p. \$2.50.

The best account in fiction of the daily life of ordinary lawyers. It tells what really happens in office-work and in trials. Some interesting comments on Harvard Law School.

B. A MORE EXTENSIVE LIST

NOTE: Although most of the books on this list are worth owning, some are expensive or bulky, so that it may be necessary for readers to make considerable use of public libraries or university libraries. The books have been roughly grouped under topics, with some overlapping.

English Influences on Our Law

10. GREEN, JOHN RICHARD. A SHORT HISTORY OF THE ENGLISH PEOPLE. N.Y., A. L. Burt Co., inc., 1933. 538 p. \$1.00.

A brilliant account of the conditions under which law grew in England and of the rulers who largely brought about the system

SUGGEST
Custodianship
Accounts
TO YOUR CLIENTS

FEW ENOUGH men find their allotment of twenty-four hours each day adequate to keep abreast of their work and of developments in their chosen fields. None but a genius can also assume the management of property and do justice to both of these two full-time jobs ... nor is there any necessity for doing so. By using our personnel, trained in the management and conservation of property, and our extensive experience in this specialized field, you and your clients can relieve yourselves of a multitude of detail..and give all your time to your business or professional interests. Call

CALIFORNIA TRUST COMPANY

TRUST SERVICE EXCLUSIVELY • 629 SO. SPRING STREET 14 • MICHIGAN 0111

SIZE ISN'T EVERYTHING



Any estate handled by you—regardless of its size—receives *your* best attention... And when Title Insurance and Trust Company has been named either as executor of the will or as trustee under a testamentary trust, the estate—whether it is valued at three or four thousand dollars or is in the million-dollar class—will have the benefit of the experience and the facilities of Southern California's oldest trust company. In its capacity as executor or as trustee or as both, this company employs the attorney who drew the will, if he is still available—unless the testator has directed otherwise prior to his death.

Our *Estate Planning Division* will tell you what our services are and what they cost. Simply call MADison 2311.

Southern California's Oldest Trust Company

Title Insurance and Trust Company

433 South Spring Street • Los Angeles 13

of courts and the fundamental statutes. Both subjects play a considerable part in the first year at Law School. Though first published in 1874, its animated pages have not lost their freshness. The expanded four-volume edition (1880), which can be obtained in any large library, is even better. Green has quite a different flavor from Trevelyan (see items 2 and 11). The law student who has read both authors will be sure of knowing his way around in English history.

11. TREVELYAN, GEORGE MACAULAY. *ENGLISH SOCIAL HISTORY: A SURVEY OF SIX CENTURIES, CHAUCER TO QUEEN VICTORIA*. N.Y., Longmans, Green & Co. 628 p., maps. \$4.50; college edition, \$3.75.

What sort of people were they, among whom and for whom our law developed before the colonists brought it across the Atlantic?

American Influences on Our Law

NOTE: After three books on American history generally (and see items 3, 4, on the A list), we name a number of books of a more limited scope. These deal with constitutional or economic history, the problems of a particular period and the way people then lived, or with special economic developments. Sometimes a biography is mentioned, because it throws much light on the times.

12. MORISON, SAMUEL E., AND COMMAGER, HENRY S. *THE GROWTH OF THE AMERICAN REPUBLIC*. N.Y., Oxford University Press, 3rd edition, 1942. 2 vols., 868 and 828 p., maps. \$3.50 for each volume.
13. BEARD, CHARLES A. AND MARY. *THE RISE OF AMERICAN CIVILIZATION*. N.Y., Macmillan Co., new revised and enlarged edition, 1933. Two vols. in one, 824 and 865 p. \$3.50.

These two works supplement each other admirably. The Beards describe the main forces and trends in our history without giving much space to events. The important events are all narrated well by Morison and Commager, although they by no means neglect interpretation.

14. COMMAGER, HENRY S., AND NEVINS, ALLAN. *THE HERITAGE OF AMERICA*. Boston, Little, Brown & Co., 1939. 1152 p. \$4.00; students' edition, \$2.40.

A collection of first-hand materials on American history and life. Famous documents and speeches; accounts by eyewitnesses of events and scenes.

15. McLAUGHLIN, ANDREW C. *CONSTITUTIONAL HISTORY OF THE UNITED STATES*. N.Y., Appleton Century, 1935. 833 p. \$5.00; students' edition, \$4.00.

Excellent through the election of Hayes. The subsequent years are only sketched.

16. KIRKLAND, EDWARD C. *A HISTORY OF AMERICAN ECONOMIC LIFE*. N.Y., F. S. Crofts & Co., revised edition, 1939. 810 p., maps. \$5.00.

Written in a dry witty style, and good reading.

17. BECKER, CARL. *THE DECLARATION OF INDEPENDENCE: A STUDY IN THE HISTORY OF POLITICAL IDEAS*. N.Y., Harcourt, Brace & Co., 1922. 286 p. \$2.50.

A masterly account of a state paper "of more than American importance. It is the high water mark of the doctrine which reigned in Western political thought for a full century." (Sir Frederick Pollock in *Harvard Law Review*.)

18. BEVERIDGE, ALBERT J. *THE LIFE OF JOHN MARSHALL*. Boston and N.Y. Houghton, Mifflin & Co., (first published in 1916, 1919) 4 vols. in two, 1929. 506, 594, 644, 668 p. \$10.00.

This life of the great Chief Justice gives much of the constitutional history of the period and tells how people lived and lawyers worked during the time when the principles of law were taking shape to suit our national conditions.

19. OLIVER, FREDERICK S. *ALEXANDER HAMILTON: AN ESSAY ON AMERICAN UNION*. N.Y., Macmillan & Co., (first published in 1912) 1931. 502 p. \$2.50.

An interpretation of Hamilton's work by an original thinker about politics.

20. CHINARD, GILBERT. *THOMAS JEFFERSON: THE APOSTLE OF AMERICANISM*. Boston, Little, Brown & Co., 1929. 548 p. \$5.00.

The two preceding books show the Federalist viewpoint. This gives the other side, and describes the man whose mind, of all our Presidents, had the widest range.

21. TURNER, FREDERICK J. *THE SIGNIFICANCE OF THE FRONTIER IN AMERICAN HISTORY*. N.Y., Henry Holt & Co. (first published in 1893) 1920. 375 p. \$2.50.

"A series of essays by the man who, more than anyone else, reset the direction of historical investigation in this country." (Minnesota Law School List.) The western influence had much to do with changing our law from English law and from legal principles cherished by citizens of the more settled East.

22. SANDBURG, CARL. *ABRAHAM LINCOLN: THE PRAIRIE YEARS*. (First published in 1926.) Toronto, Blue Ribbon Books, 1931. 2 vols. in one, 604 p., illustrated, maps. \$1.00.

23. BEVERIDGE, ALBERT J. *ABRAHAM LINCOLN, 1809-1858*. Boston and N.Y., Houghton, Mifflin & Co., 1928. 2 vols., 607, 741 p. \$12.50.

The comparison of these two books is an excellent training in the appraisal of sources, and the reader's preference of one or the other is an index of his historical attitude. Sandburg has a poet's insight into the daily lives of Western people and the country they saw; he gives the first acts of a national drama. Beveridge demands facts; he brings his own experience in the Senate to bear on political problems and yet casts aside the predispositions of a lifelong Republican; the opening chapter of Volume 2 is a masterpiece as a summary of opposing views in a violent crisis.

24. ADAMS, HENRY. *THE EDUCATION OF HENRY ADAMS: AN AUTOBIOGRAPHY*. (First published in 1918.) N.Y., Modern Library, 1931. 517 p. 95 cents.

The descendant of two Presidents and son of our ambassador to England at a critical period, Adams was able to see important men and events at close range. American life and thought during the Civil War and Reconstruction are here reflected in a sensitive mind. The first twenty chapters are strongly recommended; the rest of the book may be disregarded.

25. THOMPSON, HOLLAND. *THE AGE OF INVENTION: A CHRONICLE OF MECHANICAL CONQUEST*. New Haven, Yale University Press, 1921. 267 p., illustrated. \$1.50.

26. MOODY, JOHN. *THE RAILROAD BUILDERS: A CHRONICLE OF THE WELDING OF THE STATES*. New Haven, Yale University Press, 1919. 257 p., illustrated. \$1.50.



BUY AND HOLD U.S. SAVINGS BONDS

A HELPING HAND-

is extended to individuals acting as Executor, Administrator, or Guardian of Estates. As Agent under a Custodianship or Agency Account we provide facilities for:

- Safekeeping of Assets
- Accounting and Preparation of Statements
- Collections — Stocks, Bonds, Rentals, Notes
- Purchase and Sale of Securities
- Maintenance and Sale of Real Property

You will be agreeably surprised at the nominal cost. Our Trust Department will gladly outline the plan to you.

**THE FARMERS AND MERCHANTS
NATIONAL BANK OF LOS ANGELES**

FREE • PRIVATE AUTO PARK
AT 340 SOUTH SPRING ST.

THE OLDEST BANK IN SOUTHERN CALIFORNIA

MADISON 7272 • 4TH AND MAIN STREETS (ZONE 54)

MEMBER FEDERAL DEPOSIT INSURANCE CORPORATION

These two books are non-technical accounts of American industrial developments which presented new and grave problems for law to handle.

27. TAUSSIG, FRANK W. INVENTIONS AND MONEY-MAKERS: LECTURES ON SOME RELATIONS BETWEEN ECONOMICS AND PSYCHOLOGY. N.Y., Macmillan Co., 1915. 138 p. \$1.00.
A little book of great value, analyzing some commonly overlooked motives which impel inventors and businessmen.
28. KENNAN, GEORGE. E. H. HARRIMAN: A BIOGRAPHY. Boston & N.Y., Houghton, Mifflin & Co., 1922. 2 vols., 420, 421 p. \$7.50.
The life of a railroad president of Herculean energy in an unscrupulous period. Well told, with some bias in Harriman's favor. A few chapters deal with important litigations.
29. RIIS, JACOB A. THE MAKING OF AN AMERICAN. N.Y., Macmillan Co. (first published in 1901), royal edition, 1937. 284 p. \$1.00.
The seamy side of the industrial age and the success of some remedies, described by an immigrant from Denmark. His friend, Theodore Roosevelt, wrote the introduction.
30. HARVEY, ROWLAND H. SAMUEL GOMPERS: CHAMPION OF THE TOILING MASSES. Stanford University Press, 1935. 376 p. \$3.75.
The seamy side, as seen by a leader of organized labor.
31. BRANDEIS, LOUIS D. BUSINESS—A PROFESSION. Boston, Hale, Cushman & Flint, (first published in 1914) 1933. 374 p. \$3.00.
Brandeis thoroughly understood the best in both sides of the industrial struggle and sought to effect an integration. This collection of addresses and papers by one of the School's greatest graduates was made shortly before his appointment to the Supreme Court. It contains a biographical foreword by Ernest Poole with supplementary notes added in 1924 by Felix Frankfurter (see item 32). Read the titles which interest you. Two biographies of Brandeis are listed later.
32. FRANKFURTER, FELIX. LAW AND POLITICS: OCCASIONAL PAPERS, 1913-1938. Edited by Archibald MacLeish and E. F. Prichard Jr. N.Y., Harcourt, Brace & Co., 1939. 352 p. \$3.00.
Problems of our time discussed by a former member of the Faculty, now Associate Justice of the United States Supreme Court.
33. BROGAN, DENIS W. POLITICS AND LAW IN THE UNITED STATES. N.Y., Macmillan Co., 1941. 127 p. \$1.25.
By an English writer who knows this country well. "Stimulating, opinionative." (Minnesota Law School List.)
34. MERRIAM, CHARLES E. ON THE AGENDA OF DEMOCRACY. Cambridge, Harvard University Press, 1941. 135 p. \$1.50.
Some of the next steps, as seen by a Chicago Professor of Government experienced in both theory and practice.

General Economic and Social Problems

NOTE: Any good book one wants to read in this field is useful for an understanding of law. We mention only two books, to start readers thinking.

35. TAUSSIG, FRANK W. PRINCIPLES OF ECONOMICS. N.Y., Macmillan Co., 4th edition, 1939. 2 vols. 547, 549 p. \$3.00 for each volume.
Interesting, solid, very fair. Taussig wrote too soon to discuss some big controversies raised by the depression and this war. For example, how far is state intervention by taxation, public spending, etc., necessary and effective to produce full employment? There is

nothing in Taussig on this. Yet his readable general survey of Economics will serve as an excellent preparation for books on such current problems; and it will help the prospective law students to understand all sorts of economic questions which will arise in his courses.

36. TAWNEY, RICHARD. *THE ACQUISITIVE SOCIETY*. N.Y., Harcourt, Brace & Co., 1920. 188 p. \$1.40.

A brilliant argument that property should be shaped by the social purposes it serves and that industry should be a profession.

Mental Disorders

NOTE: In dealing with wills and other transactions, lawyers are often confronted with problems of mental illness; several cases involving such matters are discussed in law school courses. Consequently a distinguished practising lawyer advised some reading on this subject.

37. HART, BERNARD. *THE PSYCHOLOGY OF INSANITY*. N.Y., Macmillan Co., 4th edition, 1931. 191 p. \$1.00.
38. MYERSON, ABRAHAM. *THE PSYCHOLOGY OF MENTAL DISORDERS*. N.Y., Macmillan Co., 1927. 135 p. \$1.40.

These two interesting short books were written by experts for popular reading. One author is English, the other American. Much can be learned from either book, and if both be read the points of disagreement are instructive.

Books About Law for General Readers

39. HUGHES, CHARLES E. *THE SUPREME COURT OF THE UNITED STATES: ITS FOUNDATION, METHODS, AND ACHIEVEMENTS: AN INTERPRETATION*. N.Y., Garden City Pub. Co., (first published in 1927) 1937. 269 p. \$1.00.

Lectures to Columbia University students delivered before Mr. Hughes became Chief Justice of the United States. His previous position as Associate Justice and his experience in arguing before the Court make this a very significant book about the Court.

40. CHAFEE, ZECHARIAH, JR. "Law and Lawyers," in *RETURN TO FREEDOM*, edited by Thomas H. Johnson. N.Y., G. P. Putnam's Sons, 1944. 209 p. \$2.00.

One of a series of lectures at Lawrenceville School discusses law as a body of rules and as a process conducted by human beings, and tells what lawyers and judges are trying to do.

41. POLLOCK, SIR FREDERICK. *THE LAND LAWS*. N.Y., Macmillan Co., 3rd edition, 1896. 233 p. \$1.00.

One of an English series of popular books. If the reader doesn't like it, drop it and wait to learn about the subject in the classroom.

42. ATLAY, JAMES B. *FAMOUS TRIALS OF THE CENTURY*. London, Grant Richards, 1899. 394 p. 6 shillings.

The Tichborne Case of impersonation of a lost heir, the trial of Madeleine Smith for arsenic-poisoning, and other courtroom dramas as exciting as detective stories. (For some more recent English criminal cases, see the life of Marshall Hall, item 61.)

43. WIGMORE, JOHN H. *PRINCIPLES OF JUDICIAL PROOF: AS GIVEN BY LOGIC, PSYCHOLOGY, AND GENERAL EXPERIENCE AND ILLUSTRATED IN JUDICIAL TRIALS*. Boston, Little, Brown & Co., 1913. 1179 p. \$6.00.

A collection of famous trials like the Lizzie Borden case and other materials to illustrate puzzling problems of fact, with com-

ments by a great legal writer. One of the most delightful books in a law library. (Out of print, but obtainable in a public library. The second edition, in 1931, is less interesting because of extensive omissions.)

44. OSBORN, ALBERT S. *QUESTIONED DOCUMENTS*. Albany, N.Y., Boyd Printing Co., inc., 2d edition, 1929. 1028 p. \$12.50.

A wise handwriting expert, who later testified in the Bruno Hauptmann Case, analyzes his methods of detecting forgeries with pen and typewriter and other frauds. Illustrated with many photographs. Wigmore (see item 43) says: "The book abounds in the fascination of solved mysteries and celebrated cases."

45. FRANKFURTER, FELIX. *THE PUBLIC AND ITS GOVERNMENT*. New Haven, Yale University Press, 1930. 170 p. \$2.00.

46. LANDIS, JAMES M. *THE ADMINISTRATIVE PROCESS*. New Haven, Yale University Press, 1938. 160 p. \$2.00.

Administrative boards and commissions are a very important part of government today. Lawyers have long been accustomed to the ways of courts, but these administrative tribunals call for a fresh understanding and new kinds of skills. These two small books of lectures at Yale, one by a former member of the Faculty (see item 32) and the other by the present Dean, bring out the nature of administrative problems. Mr. Frankfurter tells about the relationship of these tribunals to the past and something of the character of their work. Mr. Landis presents the viewpoint of an experienced administrator.

47. SMITH, REGINALD H. *JUSTICE AND THE POOR: A STUDY OF THE PRESENT DENIAL OF JUSTICE TO THE POOR AND OF THE AGENCIES MAKING MORE EQUAL THEIR POSITION BEFORE THE LAW*. N.Y., Charles Scribner's Sons, 1919. 271 p., illustrated. \$1.50.

48. MAGUIRE, JOHN M. *THE LANCE OF JUSTICE: A SEMI-CENTENNIAL HISTORY OF THE [NEW YORK] LEGAL AID SOCIETY, 1876-1926*. Cambridge, Harvard University Press, 1928. 305 p. \$3.00.

Law has always been weak where it touches the poor. Lawyers have a special responsibility to give it new strength at this point, and in recent years have done much in shouldering this task, but a good deal still remains. These two books tell something of what can be accomplished and how. The first is by a practitioner who graduated from the School, the second by a member of the Faculty.

NOTE: The remaining books under this heading deal with criminal law and the disposition of offenders. This part of law is the most interesting to the general public.

49. POUND, ROSCOE. *CRIMINAL JUSTICE IN AMERICA*. N.Y., Henry Holt & Sons, 1930. 226 p. \$2.00.

The problem of criminal justice, its difficulties, and changes between the settlement of the colonies and today. Lectures at Brown by the former Dean of the School.

50. GLUECK, SHELDON. *CRIME AND JUSTICE*. Boston, Little, Brown & Co., 1936. 349 p. \$3.00.

New methods of dealing with offenders, described in Lowell Lectures to a lay audience by the Professor of Criminology.

51. MACAULAY, THOMAS B. *INTRODUCTORY REPORT UPON THE INDIAN PENAL CODE*. In vol. vii of his Works, Longmans, Green & Co., 1897, pp. 415-558. Also in Macaulay, *Speeches and Legal Studies*; Houghton Mifflin & Co. (University edition), 1900; 770 p.; \$5.00.

During his official service in India, Macaulay drafted a Penal Code and wrote this introduction to persuade members of the government that his provisions were desirable. Planning legislation is an important part of a lawyer's work, and this is a model for the explanation of a statute to laymen. Each section of the Code is accompanied by concrete examples of its operation. Macaulay gives his reasons for rejecting various novel measures.

52. BATES, SANFORD. PRISONS AND BEYOND. N.Y., Macmillan Co., 1936. 334 p. \$3.50.

"The end and aim of a penal system is the protection of society." This book reviews our present methods of punishment to see how far they contribute to that ultimate object.

53. PEARSON, EDMUND L. STUDIES IN MURDER. N.Y., Garden City Pub. Co., 1928. 295 p. \$1.00.

The Lizzie Borden case and other American murder trials.

Lawyers, Judges, and the Practice of Law

NOTE: In addition to the legal biographies listed below, several lives of lawyers and judges have already been mentioned under *American Influences on Law*:

- | | |
|---------------|------------------|
| 18. Marshall. | 20. Jefferson. |
| 19. Hamilton. | 22, 23. Lincoln. |

54. WARREN, CHARLES. HISTORY OF THE AMERICAN BAR. Boston, Little Brown & Co., 1911. 586 p. \$4.00.

How lawyers were trained and what they did at different periods of our history.

55. THE CENTENNIAL HISTORY OF THE HARVARD LAW SCHOOL, 1817-1917. Harvard Law School Assn., 1918. 412 p.

The development of the School, its methods of instruction, and the library; the activities of students; lives of teachers; distinguished alumni. Since this book has long been out of print, it will have to be obtained from a library.

56. BALDWIN, SIMEON E. THE YOUNG MAN AND THE LAW. N.Y., Macmillan Co., 1920. 160 p. \$1.50.

Sound advice from a distinguished elderly judge and ex-governor on the opportunities which the practice of law offers and the standards to be maintained.

57. HARRIS, RICHARD. HINTS ON ADVOCACY: THE CONDUCT OF CASES CIVIL AND CRIMINAL. London, Stevens & Sons, Ltd., 17th edition, 1937. 348 p. 10 shillings.

Much useful advice with amusing anecdotes. Good introduction by Judge Parry (see items 62, 63).

58. WELLMAN, FRANCIS L. DAY IN COURT: OR THE SUBTLE ARTS OF GREAT ADVOCATES. N.Y., Macmillan Co., 1910. 257 p. \$2.00.

An American parallel to Harris.

59. BALLANTINE, WILLIAM. SOME EXPERIENCES OF A BARRISTER'S LIFE. Philadelphia, J. B. Lippincott's, 1883. 394 p. \$1.50. (Other editions available.)

An acute trial lawyer and formidable cross-examiner, who defended the Tichborne Claimant (see Atlay, item 42).

60. HALDANE, RICHARD BURDON: AN AUTOBIOGRAPHY. Garden City, Doubleday, Doran & Co., inc., 1929. 391 p. \$5.00.

One of the great books of our time. A lawyer and statesman who had worked out a philosophy of life. Especially valuable to lawyers for the account of his methods of arguing before an

appellate court, a subject on which very little has been written. Haldane's study of philosophy led him to search for underlying principles in dealing with facts, both at the bar and when as Secretary of War he organized the British Expeditionary Force which went to France in August, 1914.

61. MARJORIBANKS, EDWARD. FOR THE DEFENCE: THE LIFE OF SIR EDWARD MARSHALL HALL. N.Y., Macmillan Co. (first published in 1929), reissue 1930. 471 p., illustrated. \$2.00.

A leading English criminal lawyer. Several spectacular cases are described. The ethical standards here displayed are sometimes too low.

62. PARRY, SIR EDWARD. MY OWN WAY: AN AUTOBIOGRAPHY. Toronto, Carswell Co., Ltd., 1932. 319 p. \$4.50.

A humane English County Court judge, who is much concerned with law in action, especially its effects on the poor.

63. PARRY, SIR EDWARD. THE SEVEN LAMPS OF ADVOCACY. N.Y., Charles Scribner's Sons, 1924. 110 p. \$2.00.

The same judge's reflections on the different qualities which make a lawyer successful in the courtroom. A collection of good anecdotes and wise practical hints, with much encouragement to young lawyers for making their profession a better instrumentality to accomplish justice.

64. POLLOCK, SIR FREDERICK. FOR MY GRANDSON: REMEMBRANCES OF AN ANCIENT VICTORIAN. Toronto, Carswell Co., Ltd., 1933. \$3.25.

A delightful book by the author of several important books which are much used by first-year students in the School. Besides his varied legal work, Pollock was an authority on Spinoza, a lover of music, a fencer, and a mountain climber, with a wide circle of famous friends. His extensive correspondence with Mr. Justice Holmes was recently published and widely read.

65. LERNER, MAX. THE MIND AND FAITH OF JUSTICE HOLMES: HIS SPEECHES, ESSAYS, LETTERS AND JUDICIAL OPINIONS. SELECTED, WITH INTRODUCTION AND COMMENTARY. Boston, Little, Brown & Co., 1943. 474 p. \$4.00.

66. BOWEN, CATHERINE D. YANKEE FROM OLYMPUS: JUSTICE HOLMES AND HIS FAMILY. Boston, Little, Brown & Co., 1944. \$3.00.

Mr. Lerner, a political scientist, has an excellent sketch of Holmes' career and explains his work in the thoughtful notes which precede every case and each passage from Holmes' writings. Mrs. Bowen writes a historical novel with Holmes as the hero.

67. MASON, ALPHEUS T. BRANDEIS AND THE MODERN STATE. Washington, National Home Library Foundation (first published in 1933), 1936. 263 p. 25 cents.

68. LIEF, ALFRED. BRANDEIS: THE PERSONAL HISTORY OF AN AMERICAN IDEAL. N.Y. and Harrisburg, Stackpole Sons, 1936. 508 p. \$3.00.

Professor Mason analyzes the work of Justice Brandeis in relation to his times, and Mr. Lief narrates the events in his life.

69. BOK, CURTIS. BACKBONE OF THE HERRING. N.Y., Alfred A. Knopf, 1941. 302 p. \$3.00.

A thinly fictionalized account of the work of a sensitive trial judge who "attempts to develop his own ideas of justice by searching out the character of the litigants and applying human nature rather than [precedents] when he can." (Harvard Law Review.)

70. HAYS, ARTHUR G. CITY LAWYER: THE AUTOBIOGRAPHY OF A LAW PRACTICE. N.Y., Simon & Schuster, 1942. 482 p. \$3.00.

An active New York lawyer whose varied practice is quite different from that of the large offices.

71. PARTRIDGE, BELLAMY (THOMAS BAILEY). COUNTRY LAWYER. N.Y., Grosset & Dunlap, inc., 1941. 317 p., illustrated by S. J. Voorhies. \$1.39.

A somewhat fictional description of the author's father, a practitioner of the type which no longer exists, but which had much influence on the way our law developed during the last century.

72. PEPPER, GEORGE W. PHILADELPHIA LAWYER. Philadelphia, J. B. Lippincott Co., 1944. \$3.75.

The head of a large law office, a law professor and United States Senator, the Nestor of the American Bar.

73. WALDMAN, LOUIS. LABOR LAWYER. N.Y., E. P. Dutton & Co., inc., 1944. 394 p. \$3.50.

The representation of workers offers new and increasingly important opportunities to lawyers.

74. POWELL, ARTHUR G. I CAN GO HOME AGAIN. Chapel Hill, N. C., University of North Carolina Press, 1943. \$3.00.

Still another kind of practice, in the piney woods of the southwest corner of Georgia. Full of amusing stories.

75. TRAIN, ARTHUR C. MY DAY IN COURT. N.Y., Charles Scribner's Sons, 1939. \$3.50.

76. TRAIN, ARTHUR C. FROM THE DISTRICT ATTORNEY'S OFFICE: A POPULAR ACCOUNT OF CRIMINAL JUSTICE. N.Y., Charles Scribner's Sons, 1939. 431 p., illustrated. \$3.00.

The creator of Mr. Tutt (see item 83) was formerly a prosecuting attorney in New York City, as narrated in his autobiography (item 75). Besides his numerous novels and short stories, he has published several serious studies of the problems of a prosecutor. These are drawn together in the second book (item 76)—"a well-organized and close-knit picture of metropolitan criminal justice, full of wise recommendations for change" and "enlivened with his inimitable anecdotes and illustrations." (Harvard Law Review.)

Novels, Short Stories, and Plays About Law and Lawyers

NOTE: Readers wanting more should consult Wigmore's long "List of Legal Novels" in 2 Illinois Law Review 574 (1908).

77. DICKENS, CHARLES. BLEAK HOUSE. Toronto, Thomas Nelson & Sons (Winchester Classics), 1936. 70 cents. (Available in other popular editions.)

LET FLOWERS CARRY YOUR MESSAGE

of Good Cheer—Condolence—Congratulations or for any occasion

Phone and Charge It . . .

MUtual 4288—TUcker 6701

Broadway Florists

216½ WEST FIFTH STREET

BETWEEN SPRING STREET AND BROADWAY

Flowers Telegraphed to Any City in the World

Pickwick Papers (item 8) displayed the shortcomings of an old court of law, and Bleak House attacked the delays of Chancery, exemplified in Jarndyce *versus* Jarndyce.

78. TROLLOPE, ANTHONY. ORLEY FARM. London, Oxford University Press (World's Classics), 1935. 2 vols., 410, 415 p. 95 cents for each volume.

A will case with a notable cross-examination.

79. GALSWORTHY, JOHN. THE FORSYTE SAGA, N.Y., Charles Scribner's Sons, 1933. 941 p. \$3.00.

One volume containing the whole series of novels which form what is probably the best known recent work of fiction. The leading character is an office lawyer. There are two divorce cases, the second of which recounts at length the examination of witnesses and the observations of the judge.

80. GALSWORTHY, JOHN. "Justice" and "Loyalties" in PLAYS. N.Y., Charles Scribner's Sons, 1928. 698 p. \$2.50.

The first play asks whether criminal law is just; the second presents a lawyer's ethical dilemma.

81. HERBERT, ALAN P. UNCOMMON LAW. Garden City, Doubleday, Doran & Co., 1936. 298 p. \$2.00.

An amusing collection of fictitious English cases, each bringing out some absurdity in legal rules.

82. BENET, STEPHEN V. "The Devil and Daniel Webster" in TWENTY-FIVE SHORT STORIES. Garden City Pub. Co. (Sun Dial Books), 1943. 274 p. \$1.49.

Illustrates the lawyer's duty of fidelity to his client.

83. TRAIN, ARTHUR. TUTT AND MR. TUTT. N.Y., Triangle Books, 1943. 348 p. 49 cents.

An entertaining collection of short stories showing the great variety of questions which may confront a practising lawyer and the chances for ingenuity. These and other Tutt stories are also obtainable in "Mr. Tutts Case Book," N.Y., Charles Scribner's Sons, 1936. 676 p. \$4.00.

84. WILLIAM, BEN AMES. LEAVE HER TO HEAVEN. Boston, Houghton, Mifflin Co., 1944. 429 p. \$2.50.

A well told murder trial with an interesting defense lawyer.

The Solution of Problems

85. FISHER, H. A. L. FREDERICK WILLIAM MAITLAND: DOWNING PROFESSOR OF THE LAWS OF ENGLAND. Cambridge University Press, 1910. 180 p. 5 shillings.

An inspiring sketch of a great English law teacher and historian, with a style unmatched among legal writers.

86. DARWIN, CHARLES R. (Chapters II and III in his LIFE AND LETTERS, edited by Francis Darwin. N.Y., D. Appleton & Co., (first published in 1901) 1911. 2 vols., 558, 562. \$4.50.

The part recommended is in vol. 1; it includes Darwin's autobiography (62 pages) and his son's reminiscences of Darwin's everyday life (50 pages).

87. VALLERY-RADOT, RENÉ. THE LIFE OF PASTEUR. Translated by Mrs. R. L. Devonshire (1902). Garden City Pub. Co. (Sun Dial Books), 1937. 484 p. 89 cents.

For a starter read the first portion of Chapter II on Pasteur's experiments with crystals of tartaric acid.

88. WALLAS, GRAHAM. THE ART OF THOUGHT. N.Y., Peter Smith (Life and Letters series), 1931. 320 p. \$2.00.

Useful suggestions for "improvements of the thought-processes of a working thinker."

Great Literature Which Should Be Familiar to Lawyers

89. THE BIBLE.

The King James translation is the most beautiful and has entered into our language; but some will prefer the more accurate Revised Version, some of the Catholic Douay translation, some the translation of the Old Testament issued by the Jewish Publications Society, and others a rendition of the Bible into the English of our own day. Several recent editions rearrange the verses so as to read like a modern book; some of these omit genealogies and other less profitable passages.

90. SHAKESPEARE.

Single plays can be easily carried, and there are convenient inexpensive collected editions. Read several of the most famous plays.

DIGEST OF THE 1945 REPORT OF THE COMMITTEE ON TRAFFIC COURTS OF THE LOS ANGELES BAR ASSOCIATION

By Leroy A. Garrett, Member of the Bar Bulletin Committee

THE Traffic Courts Committee in its report dated December 21, 1945, estimated that in Los Angeles County alone approximately 500,000 traffic charges were filed during the last fiscal year and that the total of fines and forfeitures amounts to approximately \$3,000,000 per year. This represents a tremendous load of judicial work and the members of the committee, Messrs. Henry R. Thomas, Wm. L. Baugh, J. Allen Davis, Judge John J. Ford and Messrs. Stanley Jewell, Boyd A. Taylor and Clyde C. Triplett, feel that it merits continuing study by future traffic courts committees of the Los Angeles Bar Association.

The committee points out that exact statistics are unavailable without detailed examination of the records of each court in the county. The committee supports the recommendation of the traffic courts committee in 1944 that the Vehicle Code be amended to require cities annually to report to the Department of Motor Vehicles the total number of cases and the total amount of fines and forfeitures collected by traffic courts pursuant to local traffic ordinances.

A study of the California Vehicle Code violations charged in the traffic courts of Los Angeles County for the calendar year 1944 reveals that the three classes of charges most frequently filed are: first, violations of the "rules-of-the-road," such as right

of way, traffic signals, boulevard stops, improper passing of street cars and driving on the wrong side of the roadway; *second*, excessive speed; and *third*, violations of regulations affecting pedestrians.

Much consideration was given by the committee to measures that might be taken to control habitual violators, referred to as "repeaters." The committee believes that there are many operators constituting a menace to life and limb who cannot be dealt with appropriately by the traffic courts. The traffic courts are concerned primarily with the guilt or innocence of an individual upon a particular charge. Although the Municipal Court of Los Angeles maintains a complete and satisfactory record of prior traffic convictions in that court, the courts in general do not have readily available all the information concerning the traffic accident record or record of convictions of these "repeaters." Furthermore, the traffic courts are not so constituted as to determine adequately the competence of an individual to drive a motor vehicle. Under the California Vehicle Code this function is vested in the Department of Motor Vehicles.

Attorneys' Center ●

SPRING STREET
AT FIFTH

ROWAN Building

N.E. Cor. 5th and Spring
Room 326

PHONE TUCKER 7303

Citizens National Bank Building

N.W. Cor. 5th and Spring
Room 400

PHONE VANDIKE 6078

SECURITY Building

S.E. Cor. 5th and Spring
Room 237

PHONE MADISON 1034

R. A. ROWAN & CO.

300 ROWAN BUILDING

TRINITY 0131

Call — write or 'phone — for information

The Department of Motor Vehicles under Vehicle Code Section 314, *et seq.*, is given broad authority to investigate the record of any operator and under appropriate circumstances to require a re-examination and, depending upon the results and the record of the individual, to suspend or revoke his driving license. The committee is convinced that the Department of Motor Vehicles by fully exercising these powers can exercise a large influence in reducing traffic accidents by suspending and revoking drivers' licenses upon the grounds and in the manner provided in the Vehicle Code.

The committee recommends that the Department call in habitual violators and those involved in serious traffic accidents or a series of minor accidents for investigation and re-examination. The committee also strongly recommends that the Department of Motor Vehicles institute a system whereby the auto accident and conviction record of each applicant be made available and considered prior to renewal of an operator's license.

Our record of traffic accidents indicates that penalties have not been sufficiently severe against those convicted of reckless driving and other serious offenses causing personal injury or property damage. The committee therefore recommends that both the courts and the traffic officers devote greater attention to the more serious type of offenses and that appropriate penalties be imposed. On the other hand, it is felt that any blanket increase in penalties without regard to the seriousness of the offense committed merely would arouse indignation on the part of motorists and would not be effective in bringing about greater safety upon the highways.

A very large number of traffic citations issued relate to minor technical offenses committed perhaps through ignorance of the rule of the road involved or inability of the driver to comply strictly with the rules governing obedience to traffic signals and certain turning movements. Traffic judges are in a position to perform an excellent educational function in explaining to defendants the purpose and effect of traffic regulations. Many traffic judges are unable to perform this function, although desirous of doing so, by reason of the large number of defendants appearing during a court day. The committee believes that the traffic enforcement officers can assist in this matter. Well trained

traffic officers have no difficulty in determining those offenses serious in nature which contribute mainly to traffic accidents. Arrests and prosecutions should be carried on diligently as to such offenses. The committee believes that there is justification for criticism of traffic officers, as the latter are inclined in many instances to issue citations for minor offenses when a verbal or written warning or explanation to the motorist of the traffic rule violated probably would gain greater cooperation on the part of motorists.

The committee reports that Mr. Douglas Lathrop, as Court Commissioner for the Municipal Court of Los Angeles exercising the powers authorized by the Legislature in 1945, has relieved the judges of the traffic division of a substantial burden of detail work. However, the plan has not been in effect a sufficient length of time to warrant the expression of any final conclusions concerning the long-term advantages or disadvantages of referring the disposition of numerous traffic cases to a court commissioner. The committee recommends further study of the matter by future traffic courts committees of the Bar Association.

Attention is again directed to the confusion which exists as to the territorial jurisdiction of Class A and Class B justices' courts in regard to traffic offenses committed within the county. The committee recommends that the 1947 Legislature, in the event that it does not enact comprehensive measures revising the system of inferior courts in this state, amend Penal Code, Section 1425, to read as follows:

"1425. (Jurisdiction of justices' courts). The justices' courts have jurisdiction as follows:

'1. Justices' courts of Class A shall have jurisdiction in all criminal cases amounting to misdemeanor only, *where the offenses charged were committed within the county in which such justices' court is established, except those of which a municipal court has exclusive jurisdiction and except those of which the juvenile court is given original jurisdiction.*

"2. Justices' courts of Class B shall have jurisdiction in all criminal cases amounting to misdemeanor only, punishable by fine not exceeding one thousand dollars or imprisonment not exceeding six months, or by both such fine and imprisonment, *where the offense charged was committed in the township in which such justice's court is established except those of which the juvenile court is given original jurisdiction.*"

